

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
ERIC SMITH,
Defendant.

Case No. [15-cr-00041-CRB-1](#) (JSC)

DETENTION ORDER

On January 5, 2015, Defendant Eric Smith was charged by federal complaint with a violation of 21 U.S.C. § 846, conspiracy to possess with intent to distribute a controlled substance, and 21 U.S.C. § 841(a)(1) and (b)(1)(C), possession with intent to distribute a controlled substance. Mr. Smith was subsequently indicted for these same charges on January 20, 2015. This matter came before the Court on January 16, 2015, for a detention hearing. Mr. Smith was present and represented by Richard Mazer. Assistant United States Attorney Michael Maffei appeared for the Government.

Pretrial Services submitted a report that recommended detention, and a representative of Pretrial Services was present at the hearing. The Government moved for detention, and Defendant opposed. Proffers and arguments regarding detention were submitted by the parties at the hearing.

Upon consideration of the facts, proffers and arguments presented, and for the reasons stated on the record, the Court finds by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of other persons and the community. Accordingly, Defendant must be detained pending trial in this matter.

The present order supplements the Court's findings and order at the detention hearing and serves as written findings of fact and a statement of reasons as required by 18 U.S.C. § 3142(i)(1).

1 As noted on the record, the Court makes the following findings as a basis for its conclusion that no
2 condition or combination of conditions will reasonably assure the safety of other persons and the
3 community as to defendant Smith. Defendant has a lengthy criminal record. The facts regarding
4 the current charges indicate that during a search of Defendant's residence police officers found in
5 the bedroom a loaded firearm and suspected heroin. At that time, Defendant's 12 year old minor
6 child and an adult female also resided in the residence. These findings are made without prejudice
7 to the Defendant's right to seek review of his detention should new information arise.

8 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

9 1. Defendant Smith be, and hereby is, committed to the custody of the Attorney
10 General for confinement in a corrections facility separate, to the extent practicable, from persons
11 awaiting or serving sentences or being held in custody pending appeal.

12 2. Defendant Smith be afforded reasonable opportunity for private consultation with
13 counsel; and

14 3. On order of a court of the United States or on request of an attorney for the
15 government, the person in charge of the corrections facility in which the defendant is confined
16 shall deliver defendant to an authorized United States marshal for the purpose of any appearance
17 in connection with a court proceeding.

18 **IT IS SO ORDERED.**

19 Dated: January 23, 2015

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21 JACQUELINE SCOTT CORLEY
22 United States Magistrate Judge
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